

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of Colorado

United States of America)

v.)

Matthew O'Neill, a/k/a Matt O'Neil,)

Case No. 11-mj-1081-KMT

Defendant)

CRIMINAL COMPLAINT

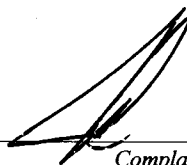
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 05/25/2011 in the county of Denver in the State and District of Colorado, the defendant violated 18 U. S. C. § 1038(a)(1), an offense described as follows:

See Attachment A attached hereto and herein incorporated by reference

This criminal complaint is based on these facts:

See Affidavit attached hereto and herein incorporated by reference

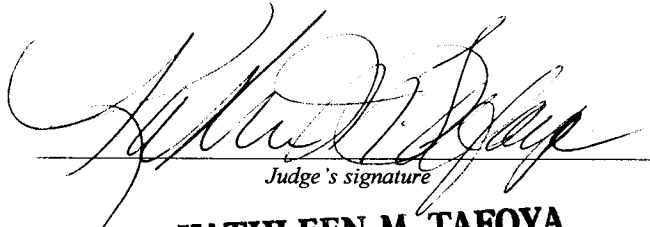
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Complainant's signature

JAMES DOYLE - FBI TFO

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/27/2011City and state: Denver, CO

Judge's signature

KATHLEEN M. TAFOYA
United States Magistrate Judge

ATTACHMENT A

Between and on or about May 17, 2011 through May 25, 2011, inclusive, in the State and District of Colorado, MATTHEW O'NEILL, a/k/a MATT ONEIL, defendant herein, did engage in conduct with intent to convey false and misleading information under circumstances where such information may reasonably be believed and where such information indicated that an activity had taken, took and would take place that would constitute a violation of Title 18, United States Code, Sections 175 (Unlawful transfer and possession of biological weapons) and 229 (Unlawful transfer, possession, use and threatened use of chemical weapons), specifically mailing documents to the Colorado Department of Revenue in an envelope containing white powder.

All in violation of Title 18, United States Code, Section 1038(a)(1).

AFFIDAVIT IN SUPPORT OF ARREST

Your affiant, James Colyer, a Task Force Officer with the Federal Bureau of Investigation (FBI), is currently assigned to the Denver Division's Joint Terrorism Task Force (JTTF). Your affiant, being duly sworn, states as follows:

1. Statements contained herein are based in part on information provided by other Special Agents of the FBI, state and local law enforcement officers, emergency and Hazardous Material responders and your affiant's personal knowledge. This affidavit is in support of the application for an arrest warrant of Matthew O'Neill, a/k/a Matt O'Neil, date of birth 02/1960 for a violation of Title 18, United States Code, Section 1038 – False Information and Hoaxes related to a Terrorism Offense. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, your affiant has not included each and every fact known to him concerning this investigation, although your affiant has not omitted any material fact that undermines the statements and conclusions herein.
2. Your affiant has been employed as a State Trooper by the Colorado State Patrol for 11 years which includes six years working various patrol duties and investigating various crimes to include criminal mischief, felony menacing and threats towards another person. Your affiant has been assigned to the Domestic Terrorism Squad of the Joint Terrorism Task Force for five years and investigated terrorism cases involving threatening the use of an explosive device and white powder letter threats to government officials. Your affiant has been assigned as a case agent for federal cases that involved investigations into similar crimes.
3. On May 25, 2011, a mail room employee with the Colorado Department of Revenue received a letter sized manila envelope with a return address of "M. O'Neill; Box 944; Kremmling CO; 80459" and a mailing address of "State of Colorado; Colorado Dept of Revenue; 1375 Sherman St.; Denver Colorado; 80261-0004". The envelope had a United States Postal Service Certified Mail barcode of 7007 3020 0001 6266 0422. Postal Service markings, as well as the certified mail documentation attached to the envelope, show that the envelope was mailed from the United States Post Office in Kremmling, Colorado. The sender is listed as Matthew O'Neill. Post Office Box #944 in Kremmling, Colorado is assigned to Matthew O'Neill, with a residence listed as 412 N. 11th Street, Kremmling, Colorado.
4. A mail room employee opened the envelope, removed the documents and attached them to the outside of the envelope. This process is common for all documents mailed to the Department of Revenue that are in response to a dispute of taxes. Because O'Neill had previously filed a dispute that was assigned to Jennifer Tate, the envelope was routed to Tate. When Tate received the envelope, she took it into her office and placed it on her desk.

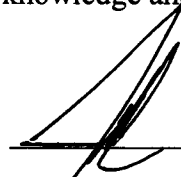
5. When Tate put the envelope down on her desk, an unidentified white powder fell out of the envelope and onto the desk. Tate took the documents and envelope to Cathy Gallen's office. Gallen left the documents and envelope in her office and locked the door. Gallen notified the floor manager, Emily Tomlin. Tomlin contacted the Colorado State Patrol and 911. Believing they both had been exposed to some kind of harmful chemical or biological substance, Tate and Gallen attempted to decontaminate themselves by washing their hands. Then they waited for the response of the Denver Fire Department and the Hazardous Materials (HAZMAT) team.
6. The Denver Fire Department's HAZMAT team entered the building utilizing proper protective equipment to maintain their safety while dealing with an unknown hazardous material. They found the envelope on Gallen's desk and contained it per department regulations. The HAZMAT team also field tested the powder in the envelope to confirm or deny the presence of a hazardous material. This field test showed the powder to be sodium bicarbonate.
7. Your affiant interviewed Tate. Tate stated that O'Neill has sent several documents that express his views as a sovereign citizen, and he believes that he does not have to pay state or federal taxes. Tate expressed that she felt threatened by the contents of the envelope because she thought the white powder was some sort of harmful biological or chemical substance, such as anthrax.
8. The documents mailed with the powder inside the envelope were 35 total pages, 32 of which consisted of photocopy and computer typed rhetoric associated with a sovereign citizen commonly available on the internet, one "Statement of Account" from the State of Colorado for the payment due of \$15,427.00 for back taxes from 2006 and 2007, one "Intent to File Judgment/Lien" from the State of Colorado for the amount due of \$8,694.00 and one computer typed letter from Matt O'Neill to the Colorado Department of Revenue detailing his dispute to pay taxes. This last letter also has a hand written signature for Matt O'Neill that is consistent with the signature provided with his Colorado Drivers license.
9. FBI Special Agent (SA) Robert Gaskamp identified and interviewed Carol Lobello, an employee with the United States Post Office located at 100 N. 7th in Kremmling, Colorado. Lobello stated that on May 17, 2011, O'Neill, who Lobello said that she has known for four or five years, entered the Kremmling Post Office and walked to the work counter where he filled out documents needed for certified or registered mail.
10. Lobello said that a short time later, O'Neill exited and re-entered the post office two times without completing any transactions. When O'Neill entered the post office a third time,

Lobello said that there were no customers present, and O'Neill walked directly to the checkout counter. O'Neill handed Lobello a letter sized manila envelope addressed to the Colorado Department of Revenue and was affixed with a certified mail stamp from the United States Post Office. Lobello placed the envelope on the scale to assess the cost of postage. After completing the transaction, Lobello placed the envelope in the outgoing mail and O'Neill left the building.

11. Before any additional customers entering the building again, and within about a minute of the previous transaction, Lobello noticed white powder on the scale used to weigh the envelope. Lobello was uncertain which envelope the powder came out of, but did not see any powder on her scale until after O'Neill's transaction.
12. O'Neill is positively identified by his Colorado drivers license number #07-211-0794 as Matthew O'Neill date of birth 02/**/1960 who is a white male 6'00" tall and 155 pounds.

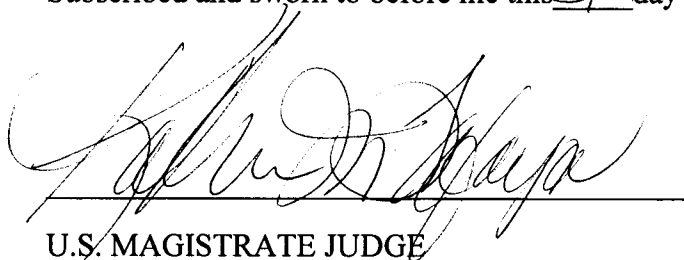
Based upon the foregoing, your affiant believes there is probable cause to arrest Matthew O'Neill, a/k/a Matt O'Neil, for a violation of Title 18, United States Code, Section 1038.

Your affiant declares under penalty of perjury that the foregoing is true to the best of his knowledge and belief.



James Colyer, TFO -- FBI Joint Terrorism Task Force

Subscribed and sworn to before me this 31st day of May, 2011.


U.S. MAGISTRATE JUDGE

INFORMATION SHEET

DEFENDANT: Matthew O'Neill, a/k/a Matt O'Neil

YOB: 1960

ADDRESS: Kremling, Colorado

OFFENSE: **Count 1:** Title 18 United States Code, Section 1038(a)(1);
False Information and Hoaxes related to a Terrorism Offense

LOCATION OF OFFENSE: Denver County, Denver, Colorado
(COUNTY/CITY/STATE)

PENALTY: **Count 1:** NMT 5 years imprisonment; \$250,000 fine, or both; NMT 3 years supervised release; \$100.00 Special Assessment Fee; and restitution

AGENT: Special Agent David Autry – FBI
Task Force Officer James Colyer – CSP

AUTHORIZED BY: Greg Holloway
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

 X five days or less over five days other

THE GOVERNMENT

 X will seek detention in this case will **not** seek detention in this case

The statutory presumption of detention is applicable to this defendant.

OCDETF CASE: Yes X No